

Application No. 10/764,174
AMENDMENT dated April 18, 2006
Reply to Office Action of March 7, 2006

REMARKS

After entry of this amendment, claims 1-20 are pending. Claims 1-2 were rejected under 35 U.S.C. § 102(b) as being anticipated by US 3,823,656 (Vander Veken). Claims 1-6 were rejected under 35 U.S.C. § 103 as being unpatentable over US 4,471,689 (Piana) in view of US 3,336, 857 (Knodt).

Claims 7-18 were indicated as allowable if rewritten in independent form. Claims 19 and 20 are new dependent claims. We request reconsideration for the reasons set forth below.

I. Allowable Subject Matter

Claims 7-18 were objected to as being dependent on a rejected base claim, but were indicated as allowable if rewritten in independent form. We thank the Examiner for the indication of allowable subject matter. Claim 7 is amended into an independent claim that includes all the limitations of claim 1.

II. Rejection under 35 U.S.C. § 102(b)

Claims 1-2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Vander Veken. Independent claim 1 describes a cartridge formed from substantially air- and water-impermeable materials having a snap-fit arrangement to conjoin an inner member and an outer member on assembly. Vander Veken fails to disclose this.

The lower capsule 3 of Vander Veken is formed from a bowl 4, a removable lid 5, and walls 6, 7 that contain perforations or filter paper. There is no snap-fit arrangement to conjoin inner and outer members of capsule 3; it only has a

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removable lid. In addition, the capsule 3 is formed from filter paper or perforations that allow air or water to permeate.

The joining of the capsule 3 to the water receiving vessel 1a also does not disclose the snap-fit arrangement. Column 2, line 65 through Column 3, line 12 of Vander Veken discloses the insertion of the capsule 3 into the water receiving vessel with a sliding motion to wedge the capsule into the receiving vessel rather than a snap-fit arrangement.

Accordingly, neither the lower capsule 3 nor the combination of the lower capsule 3 and the water receiving vessel 1a anticipates independent claim 1.

III. Rejections under 35 U.S.C. § 103(a)

Claims 1-6 were rejected under 35 U.S.C. § 103 as being unpatentable over Piana in view of Knodt. The proposed combination of Piana and Knodt fails to disclose a snap-fit arrangement to conjoin an inner member and an outer member on assembly. Piana discloses a lid 14 that is sealed onto a cup part 12 rather than a snap-fit arrangement. The Office Action suggested that Piana discloses an outer member 16 and inner members 18 and 22; however, these portions of Piana's outer cup part 12 are not conjoined on assembly—they are integral portions of the same cup part. Combining Knodt with Piana does not overcome the deficiencies of the references. Knodt discloses in FIG. 4 a lid 127 crimped onto a bottom 126, which is also not a snap-fit arrangement. Accordingly, the proposed combination cannot render independent claim 1 obvious because neither reference discloses a snap-fit arrangement.

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IV. New Claims 19 and 20

New claim 19 depends from independent claim 1 and states that the snap fit arrangement is approximate a central axis of the cartridge. Support for this claim can be found in the specification on page 26 and in FIG. 29.

New claim 20 depends from claim 19 and states that the cartridge comprises a mixing chamber that is partially defined by an outer wall of the inner member. Support for this claim can also be found in the specification on page 26 and in FIG. 29.

V. Conclusion

For the reasons set forth above, reconsideration and allowance of all claims are respectfully requested.

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The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

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